

United States District Court
Middle District of Georgia

UNITED STATES OF AMERICA

Vs.

**JUDGMENT IN A CRIMINAL CASE
(FOR REVOCATION OF PROBATION)**

DEFRANTZA FLUELLEN,

NO. 5: 08-MJ-05-02 (CWH)

Defendant

Christopher Brian Jarrard

Defendant's Attorney

The above-named defendant having admitted **GUILT** in this proceeding to violating CONDITIONS OF PROBATION imposed upon him November 3, 2008, as alleged in the **PETITION FOR ACTION ON PROBATION** filed by Kevin L. Mason, U. S. Probation Officer, on September 2, 2009, his original sentence of probation is REVOKED, and he is RESENTENCED as hereinafter set out:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Occurred</u>
1	Failure to Submit Truthful and Complete Written Reports as directed	07/05/09
2	Failure to Notify of Change of Residence	08/19/09
3	Failure to Notify of Change of Employment	07/19/09
4	Possessing Marijuana	08/19/09
5	Failure to Participate in an Approved Substance Abuse Treatment Program As Directed	07/23/09

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment (if any) are fully paid.

Defendant's Soc. Sec. No.: ***-**-9059

September 22, 2009

Date of Imposition of Judgment

Defendant's Date of Birth: 1979



Signature of Judicial Officer

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Defendant's Mailing Address: Same

September 22, 2009

Date

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments hereinafter set forth.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals	\$ PAID	\$ PAID
		\$ - 0 -

If applicable, restitution amount ordered pursuant to plea agreement \$

FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$_____.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options hereinafter set forth may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g).

The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

- the interest requirement is waived.
- the interest requirement is modified as follows:

RESTITUTION

No restitution is ordered.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

PAYMENT OF THE TOTAL FINE AND OTHER CRIMINAL MONETARY PENALTIES SHALL BE MADE IN FULL IMMEDIATELY.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):

Unless the court has expressly ordered otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments shall be made to the **CLERK OF THIS COURT** except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States attorney.

IMPRISONMENT

The court finds that the conditions of probation have been violated as outlined in the **PETITION FOR PROBATION ACTION**, including possession of marijuana on three occasions. The court also finds that an exception to the mandatory revocation provisions of 18 U.S.C. §3563(e) is *not* warranted based on the defendant's continued use of marijuana and his failure to attend substance abuse treatment and counseling as directed. Accordingly, the defendant's probation is **REVOKEKD**, and he is hereby committed to the **CUSTODY** of the **UNITED STATES BUREAU OF PRISONS** to be imprisoned for a period of **NINETY (90) DAYS**.



The court makes the following recommendation to the BUREAU OF PRISONS:

The defendant is remanded to the custody of the United States Marshal.

G The defendant shall surrender to the United States Marshal for this district:

G at _____ A.M./P.M. on _____.

G as notified by the United States Marshal.

G as notified by the Probation/Pretrial Services Office.

G The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

G before 2:00 P.M. on _____.

G as notified by the United States Marshal.

G as notified by the Probation/Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

DEPUTY UNITED STATES MARSHAL